

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

|                |   |                    |
|----------------|---|--------------------|
| WILLIAM JONES, | ) |                    |
|                | ) |                    |
| Petitioner,    | ) |                    |
|                | ) |                    |
| v.             | ) | No. 4:13CV2278 HEA |
|                | ) |                    |
| JAY CASSADY,   | ) |                    |
|                | ) |                    |
| Respondent.    | ) |                    |

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on review of petitioner's petition for writ of habeas pursuant to 28 U.S.C. § 2254. The petition is duplicative of a another petition that is pending before the Court.

Petitioner filed his original petition for writ of habeas corpus on December 16, 2011. Jones v. Bernsen, 4:12CV343 HEA (E.D. Mo.). He challenges a conviction for assault. Petitioner filed the instant petition, which challenges the same judgment, on October 3, 2013, in the United States District Court for the Western District of Missouri. That Court transferred the case to this Court on November 13, 2013.

In general, when a petitioner files a duplicative habeas petition before adjudication of an initial petition is complete, the Court should construe the second petition as a motion to amend the first petition. E.g., Whab v. United States, 408 F.3d 116, 119 (2d Cir. 2005). As a result, the Court will administratively terminate the

instant case and will order the Clerk to file the petition as a motion for leave to amend in the original case.

Accordingly,

**IT IS HEREBY ORDERED** that the Clerk shall administratively terminate this case.

**IT IS FURTHER ORDERED** that the Clerk shall file the petition for writ of habeas corpus as a motion for leave to file an amended petition in Jones v. Bernsen, 4:12CV343 HEA (E.D. Mo.).

Dated this 25th day of November, 2013.

A handwritten signature in black ink, appearing to read "Henry Edward Autrey", is written above a horizontal line.

HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE